

UNITED STATES DISTRICT COURT
for the
District of Arizona

3/3/20
MR
United States of America)
v.) Case No. 20-8092 MJ
Bernardo Brito-Nunez,)
a.k.a.: Benjamin Brito-Nunez)
(A200 606 512))
Defendant)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of March 3, 2020, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Bernardo Brito-Nunez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about March 29, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Ryan McCarthy

Continued on the attached sheet.

JG
Complainant's signature
Jaime Galvez,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: March 4, 2020

JZB
Judge's signature
John Z. Boyle,
United States Magistrate Judge
Printed name and title

City and state: Phoenix, Arizona

STATEMENT OF PROBABLE CAUSE

I, Jaime Galvez, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer, with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On March 3, 2020, while investigating a previously removed criminal alien, the Phoenix ICE Mobile Criminal Alien Team encountered Bernardo Brito-Nunez, after conducting a vehicle stop at North 27th Avenue and West Adams Street, in Phoenix, Arizona. At the scene, ICE officers determined Brito-Nunez to be a citizen of Mexico, illegally present in the United States. On the same date, Brito-Nunez was transported to the Phoenix ICE office for further investigation and processing. Brito-Nunez was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Bernardo Brito-Nunez to be a citizen of Mexico and a previously deported criminal alien. Brito-Nunez was removed from the United States to Mexico through Calexico, California, on or about March 29, 2011, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Brito-Nunez in any Department of Homeland Security database to

suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Brito-Nunez's immigration history was matched to him by electronic fingerprint comparison.

4. On March 3, 2020, Bernardo Brito-Nunez was advised of his constitutional rights. Brito-Nunez freely and willingly acknowledged his rights and agreed to provide a statement under oath. Brito-Nunez stated that his true and complete name is Bernardo Brito-Nunez and that he is a citizen of Mexico. Brito-Nunez stated that he did not recall the last time he entered the United States, and did not provide answers regarding his previous removals.
5. For these reasons, this affiant submits that there is probable cause to believe that on or about March 3, 2020, Bernardo Brito-Nunez, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about March 29, 2011, and not having obtained the express

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consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).



Jaime Galvez,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 4th day of March, 2020.



John Z. Boyle,
United States Magistrate Judge